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Attorneys for Defendant  
MERCK & CO., INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD HASKIN, individually and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

MERCK & CO., INC. and SCHERING-  
PLOUGH CORP.,

Defendants.

No.: C 08-0376 SI

**STIPULATION TO EXTEND TIME FOR  
DEFENDANT MERCK AND CO., INC. TO  
RESPOND TO COMPLAINT**

Compl. Filed: January 22, 2008  
Trial Date: None set  
Disc. Cut-Off: None set

Honorable Susan Illston

The Plaintiff Richard Haskins ("Plaintiff") and Defendant Merck & Co., Inc. ("Merck"), by and through their counsel, hereby stipulate as follows:

1. That Plaintiff filed the Complaint in this action on January 22, 2008;
2. That the last day for Merck to file a responsive pleading is March 13, 2008;
3. That a hearing is scheduled before the Judicial Panel on Multidistrict Litigation ("JPML") in Austin, Texas for March 27, 2008. At that hearing, the JPML shall consider the centralization of this, and other, pending actions involving the pharmaceuticals Vytarin and Zetia;
4. That Merck wishes to defer its response to Plaintiff's Complaint until the conclusion of the JPML hearing; and
5. That Plaintiffs agree to an extension of time as set forth in the proposed Order below.

DATED: March \_\_, 2008.

REED SMITH LLP

By /s/ Steven J. Boranian  
 Steven J. Boranian  
 Attorneys for Defendant  
 Merck & Co., Inc.

DATED: March \_\_ 2008.

LEVIN SIMES KAISER & GORNICK LLP

By /s/ Lawrence J. Gornick  
 Lawrence J. Gornick  
 Attorneys for Plaintiff

### **[PROPOSED] ORDER**

IT IS HEREBY ORDERED that (1) Merck shall notify the Court of the decision of the JPML within three business days after the JPML issues its decision; (2) that the time within which Merck may answer, move or otherwise respond to the Complaint in this action is hereby extended to a date

1 to be set at the first scheduling conference after the JPML issues its decision; and (3) that if Merck  
2 files a responsive pleading in any other similar action pending in another federal district court, it  
3 shall notify the Plaintiff's counsel before filing such a pleading, and the Plaintiff may then file a  
4 motion to amend this Order. Merck reserves the right to oppose such a motion.

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6 IT IS SO ORDERED.

  
HON. SUSAN ILLSTON, U.S.D.J.

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